

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

GREGORY TURNER,

Plaintiff,

V.

NATIONAL ASSOCIATION OF LETTER  
CARRIERS BRANCH NO. 27,

Defendant.

No. 2:20-cv-2025-SHL-atc

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Before the Court is Magistrate Judge Annie T. Christoff's ("Magistrate Judge") Report and Recommendation, (ECF No. 71), filed on February 11, 2022, recommending that the Court grant Defendant's Motion for Summary Judgment.

Plaintiff Gregory Turner filed this action, alleging that Defendant National Association of Letter Carriers Branch No. 27 (“Union”), a local union that represents letter carriers employed by the United States Postal Service (“USPS”) in Memphis, TN, discriminated against him based on his disability and sex. (Id. at PageID 565, 569.) Specifically, he contends that the Union failed to take certain actions to challenge USPS’s alleged failure to provide him with work duties that were consistent with the medical restrictions recommended because of an on-the-job injury he sustained. (Id. at PageID 564-65.) He asserts claims against the Union under both the Americans with Disabilities Act (“ADA”) and Title VII (1) for unequal terms and conditions of employment and (2) breach of its duty of fair representation. He asserts an additional claim under the ADA for failure to accommodate his disabilities. (Id. at PageID 569, 571.)

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal. 28 U.S.C. § 636(b)(1)(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Defendant has filed no objections to the Magistrate Judge’s Report, and the deadline to do so has now passed. The Court has reviewed the Report for clear error and finds none. The Magistrate Judge’s recommendation for summary judgment is based on the conclusion that Plaintiff did not establish a prima facie case for discrimination under either the ADA or Title VII because he did not show that he suffered an adverse employment action by the Union. Rather, USPS is responsible for providing the relief he sought. Additionally, the Magistrate Judge found that the undisputed record shows that the Union provided Plaintiff with adequate representation in his dispute with USPS because it had intervened on his behalf multiple times to protect his job and obtain accommodations from USPS. Thus, the Court **ADOPTS** the Magistrate Judge’s Report and hereby **GRANTS** the Motion.

**IT IS SO ORDERED**, this 15th day of March, 2022.

s/ Sheryl H. Lipman  
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SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE